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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,969	03/28/2000	James D. Logan	A-005	4915

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EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/536,969

Applicant(s)

LOGAN ET AL.

Examiner

Jungwon Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. Claim 11 is objected to because of the following informalities:  
“an program segment” should be changed to “a program segment” (claim 11, line 2).  
Appropriate correction is required.
3. Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a. The following terms lack proper antecedent basis:
    - i. said first set of programming signals – claim 4, lines 1-2;
    - ii. said identification signals – claim 5, line 1;
  - b. The claim language in the following claims is not clearly understood:
    - i. as to claim 4, lines 1-2, it is uncertain whether “said first set of programming signals” refers to “a first set of separate programming segments” in claim 1, line 5;
    - i. as to claim 5, line 1, it is uncertain whether “said identification signals” refers to “identification data” in claim 1, line 4;

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy et al. (US 6,505,160) in view of Enomoto et al. (US 5,659,877).

6. As to claims 1 and 13, Levy et al. disclose the invention substantially as claimed, including a method for selectively reproducing locally stored programming signals (col. 14, lines 43-67) comprising, in combination, the steps of

storing a first set of separate programming segments at a client location (col. 13, lines 16-20; col. 4, lines 30-32);

employing processing means to derive identification data from each of said first set of separate programming segments (col. 8, lines 4-7);

transmitting said identification data from said client location to a remote processing location (col. 6, lines 29-34; col. 13, lines 20-22),

at said remote processing location comparing said identification data with a database containing identification information and associated content descriptions for

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each of a second set of programming segments (col. 4, lines 54-67; col. 5, lines 23-36);

transmitting from said remote processing location to said client location selected ones of content descriptions stored in said database which describe said program segments (col. 13, lines 41-48; col. 5, lines 56-67- col. 6, lines 1-2), and

at said client location, presenting said selected content descriptions to a user to facilitate the selective processing of said program segments (col. 12, lines 18-26).

7. Levy does not specifically disclose common program segments found in both said first and said second set of programming segments. However, Enomoto et al. disclose common program segments found in both said first and said second set of programming segments (col. 3, lines 54-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Levy and Enomoto et al. because common program segments in Enomoto et al's would improve the integrity of Levy's system by allowing both user and server to share the common materials.

8. As to claim 2, Levy et al. disclose at least some of said programming signals are recorded musical performance (col. 2, lines 13-15).

9. As to claim 3, Levy et al. disclose content descriptions specify one or more attributes of the corresponding recorded musical performance from the group of

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attributes consisting of the title, performer, composer and date of the corresponding recorded musical performance (col. 2, lines 48-53; col. 4, line 1).

10. As to claim 4, Levy et al. disclose the first set of programming signals comprises receiving and recoding broadcasted programming signals (col. 14, lines 59-67).

11. As to claim 5, Levy et al. disclose the identification data contained in the database are derived from the broadcasted programming signals (col. 2, lines 38-49).

12. As to claim 6, Levy et al. disclose specifying the beginning and end time of each of said program segments (col. 10, lines 52-55).

13. As to claims 7, they are rejected for the same reasons set forth in claim 1.

14. As to claim 8, Levy et al. further disclose maintaining a stored library containing the second set of programming segments at the remote processing location (col. 3, lines 40-42; col. 4, lines 56-61), accepting a retrieval request from the client location (col. 8, lines 53-57), and responding the request by transmitting to the client (col. 13, lines 41-48; col. 5, lines 56-67- col. 6, lines 1-2).

15. As to claim 9, Levy et al. disclose uploading a copy of a program segment stored locally at said client location to said remote processing location (col. 11, lines 59-61).

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16. As to claim 10, Levy et al. disclose posting an entry upon the transmittal of the identification data to the remote processing location, subsequently transmitting a playback request identifying the client location and identifying a requested program segment (col. 8, lines 53-60).

17. Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

18. As to claims 14 and 18-20, Levy et al. disclose displaying the program guide data for use at the client station to facilitate the selection and reproduction of desired ones of the particular programs (col. 6, lines 37-42 and 63-67).

19. As to claim 15, Levy et al. disclose specifying the beginning and end time of each of said program segments (col. 17, lines 4-8; col. 10, lines 52-55).

20. As to claim 16, Levy et al. disclose recording and processing the broadcast signal at the client location are performed by a programmed personal computer (col. 4, lines 65-67).

21. As to claim 17, Levy et al. disclose the communication channel is the Internet (col. 3, line 53).

**Conclusion**

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

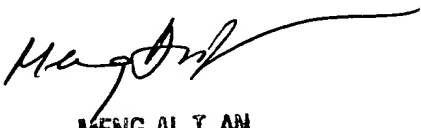
Logan et al, patent 5,732,216, Okada, patent 5,810,600, Russo, patent 6,025,868, Yoshiura et al, patent 6,122,378, Logan et al, patent 6,199,076 B1, Logan et al, patent 5,721,827, Morrison, patent 5,956,629, Logan et al, patent 6,088,455 disclose method and system for automatically playing a predetermined schedule of audio program segments.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 8:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9669.

Jungwon Chang  
March 5, 2003

  
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